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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,888	03/30/2004	Cathleen Siok-Syuan Chua	CCH-001	7574
47713	7590	11/29/2006	EXAMINER	
IMPERIUM PATENT WORKS P.O. BOX 587 SUNOL, CA 94586			VANTERPOOL, LESTER L	
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			3782	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/814,888	CHUA, CATHLEEN SIOK-SYUAN
	Examiner Lester L. Vanterpool	Art Unit 3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 June 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13, 15 and 17-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 19-24 is/are allowed.

6) Claim(s) 1-13, 15, 17-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 17 presents a limitation that is not supported in the written specification filed on March 30, 2004. Claim 17, page 6, line 4 recites the limitation: "extension portion passes between the chest of the person".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 7, 9, 10 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2) in view of Gatten (U.S. 2004 / 0019969 A1). Bailey discloses the pouch portion (50) having the opening (See Figures 1, 2 & 6), and wherein the pouch portion (50) have the left side and the right side (See Figures 1, 2 & 6), wherein the opening (See Figures 1, 2 & 6) is defined in part by the rim (70) (See Figures 1 & 2), the rim (See Figures 1 & 2) extending in the lateral dimension (See Figures 1 & 2), wherein the opening (See Figure 1 & 2) has the adjustable circumference (70) (See Figures 1 & 2) (See Column 4, lines 39 – 42); and wherein the pouch portion (50) has the adjustable depth (70) (See Figures 1 & 2) (See Column 3, lines 55 – 62);

the back portion (12) that extends upward from the pouch portion (50) (See Figures 1 & 2), the back portion (12) having the left side that extends upward from the left side of the pouch portion (See Figures 1 & 2), the back portion (12) having the right side that extends upward from the right side of the pouch portion (50) (See Figures 1 & 2);

the hood portion (110) (See Figures 1 & 2), the back portion (12) extending upward and terminating (14) in the hood portion (110) (See Figures 1 & 2);

the first arm extension portion (80) that has the first side, the second side and the third side (See Figures 1 & 2), the first side extending to the left from the location A (bottom left side) on the left side of the pouch portion (50), the second side extending to the right left from the location B (top left side) on the left side of the back portion (12) (See Figures 1 & 2), wherein the first arm extension portion (80) extends to the left,

wherein the location A (bottom left side) on the left side of the pouch portion is disposed at least two inches below the rim (See Figures 1 & 2); and

the second arm extension portion (82) that has the first side, the second side and the third side (See Figures 1 & 2), the first side extending to the right from the location C (bottom right side) on the left right side of the pouch portion (50) (See Figures 1 & 2), the second side extending to the right from the location D (top right side) on the right side of the back portion (12) (See Figures 1 & 2), wherein the second arm extension portion (82) extends to the right, wherein the location C (bottom right side) on the right side of the pouch portion (50) is disposed at least two inches below the rim (See Figures 1 & 2),

wherein if the baby blanket (10) is laying flat with the pouch portion (50) collapsed then there is the lateral distance between location A (bottom left side) on the left side of the pouch portion and location C (bottom right side) on the right side of the pouch portion (50) (See Figures 1 & 2), wherein the first arm extension portion (80) extends to the left from location A (bottom left side) the first distance that is substantially greater than the lateral distance (See Figures 1 & 2), and wherein the second arm extension portion (82) extends to the right from location C (bottom right side) the second distance that is substantially greater than the lateral distance (See Figures 1 & 2), and wherein the first and second distances are substantially equal (See Figures 1 & 2).

However, Bailey does not disclose the first and second arm extension portions tapering.

Gatten teaches the first (130) and second (135) arm extension portions tapering (See Figures 1, 2A, 2B, 2C, 3 – 8) for the purpose of providing adequate wrapping.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first and second arm extension portions tapered as taught by Gatten with the baby blanket of Bailey in order to enhance adequate wrapping functionality.

Regarding claim 2, Bailey discloses the first distance is at least twice the lateral distance (See Figures 1 & 2).

Regarding claim 3, Bailey further discloses the third side of the first arm extension portion (80) extends from the location A (bottom left side) on the left side of the pouch portion (50) upward to the location B (top left side) on the left side of the back portion (12), and wherein the third side of the first arm extension portion (80) is at least eight inches long (See Figures 1 & 2), and wherein the third side of the second arm extension portion (82) extends from the location C (bottom right side) on the right side of the pouch portion (50) to the location D (top right portion) on the right side of the back portion (12), and wherein the third side of the second arm extension portion (12) is at least eight inches long (See Figures 1 & 2).

Regarding claim 4, Bailey further discloses the baby blanket (10) is laying flat with the opening (See Figures 1 & 2) in the pouch portion (50) collapsed, such that the

first arm extension portion (80) is laying flat and extending to the left from the pouch portion (50) (See Figures 1 & 2), and such that the second arm extension portion (82) is laying flat and extending to the right from the pouch portion (50) (See Figures 1 & 2).

Regarding claim 5, Bailey further discloses the back portion (12) and the pouch portion (50) are formed from the single piece of fabric (See Figures 1 & 2).

Regarding claim 6, Bailey further discloses the back portion (12), the first arm extension portion (80) and the second arm extension portion (82) are formed from the single piece of fabric (See Figure 1 & 2).

Regarding claim 7, Bailey discloses the invention substantially as claimed. Bailey discloses the first arm extension (80) and the second arm extension (82) (See Figures 1 & 2).

However, Bailey does not disclose the first arm extension portion having the substantially triangular shape, and wherein the second arm extension portion having the substantially triangular shape.

Gatten teaches the first arm extension portion (130) having the substantially triangular shape, and wherein the second arm extension portion (135) having the substantially triangular shape (See Figure 1) for the purpose of providing adequate wrapping functionality.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first arm extension portion having the substantially triangular shape, and wherein the second arm extension portion having the substantially triangular shape as taught by Gatten with the baby blanket of Bailey in order to enhance adequate wrapping functionality.

Regarding claim 9, Bailey further discloses the drawstring disposed in the rim, the drawstring being usable to constrict the opening (See Column 4, lines 39 – 42).

Examiner notes applicant is evoking 35 U.S.C 112 6<sup>th</sup> paragraph in claim 10 by reciting: "means for" adjusting.

Regarding claim 10, Bailey further discloses the means (28 & 30) to adjust the depth of the pouch portion (50) (See Column 3, lines 55 – 62) (See Figures 1 – 3).

Regarding claim 13, Bailey discloses the invention substantially as claimed. However, Bailey does not disclose the baby blanket is laying flat with the opening in the pouch portion collapsed, and wherein the pouch portion has a substantially semicircular bottom side that extends from the first side of the pouch portion to the second side of the pouch portion.

Gatten teaches the baby blanket laying flat (See Figure 1) with the opening (116) in the pouch portion (110) collapsed, and wherein the pouch portion (110) has the substantially semicircular bottom side (See Figures 1, 2A, 2B, 3 & 5 – 8) that extends

from the first side of the pouch portion (110) to the second side of the pouch portion (110). See Figures 1, 2A, 2B, 3 & 5 – 8.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the baby blanket is laying flat with the opening in the pouch portion collapsed, and wherein the pouch portion has a substantially semicircular bottom side that extends from the first side of the pouch portion to the second side of the pouch portion as taught by Gatten with the baby blanket of Bailey in order to enhance user's ergonomic comfort.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033) in view of Chatham (U.S. Patent Publication Number 2003 / 0191514 A1). Bailey discloses the invention substantially as claimed. Bailey as modified by Gatten discloses the baby blanket (10) (See Figures 1 & 2).

However, Bailey as modified does not disclose the blanket is made of the weatherproof fabric with the fleece lining.

Chatham teaches the blanket is made of weatherproof fabric with the fleece lining (See Abstract and paragraph 0006) for the purpose of providing additional warmth and outdoor environmental protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the blanket made of weatherproof fabric with the fleece lining as taught by Chatham with the baby blanket of Bailey in order to enhance additional warmth protection and provide outdoor environmental protection.

6. Claims 11 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033) in view of Ruefer (U.S. Patent Number 5722094). Bailey discloses the invention substantially as claimed.

However, Bailey does not disclose the means including the first portion and the second portion, wherein the first portion is detachably connectable to the second portion, the first portion extending from an inside bottom surface of the pouch portion.

Ruefer teaches the means (46 & 48) include the first portion (48) and the second portion (46), wherein the first portion (48) is detachably connectable to the second portion (46), the first portion (48) extending from an inside bottom surface of the pouch portion (See Figures 1, 2, 5 & 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means including the first portion and the second portion, wherein the first portion is detachably connectable to the second portion, the first portion extending from an inside bottom surface of the pouch portion as taught by Ruefer with the baby blanket of Bailey in order to accommodate various infants at different growth stages.

Regarding claim 12, Ruefer further discloses the second portion (46) connected to one of the back portion and the pouch portion (See Figures 1, 2, 5 & 6), and wherein the depth of the baby blanket can be reduced by connecting the first portion (48) to the

second portion (46) (See Figures 1, 2, 5 & 6) for the purpose of containing and accommodating various infant at various lengths.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second portion connected to one of the back portion and the pouch portion, and wherein the depth of the baby blanket can be reduced by connecting the first portion to the second portion as taught by Ruefer with the baby blanket of Bailey in order to accommodate various infants at different growth stages.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (U.S. Patent Number 6817033 B2) and Gatten (U.S. 2004 / 0019969 A1) as applied to claim 1 above, and further in view of Norman (U.S. Patent Publication Number (U.S. 2003 / 0178452). Bailey as modified by Gatten discloses the invention substantially as claimed.

However, Bailey as modified does not disclose the pocket disposed on the back portion.

Norman teaches the pocket (54) disposed on the back portion (32) (paragraph 0031) (See Figures 2, 4, 5, & 8) for the purpose of providing the user with easy access to infant formula and or personal items.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket disposed on the back portion as taught by Norman with the baby blanket of Gatten in order to enhance the user with easier access to personal items.

***Allowable Subject Matter***

8. Claims 17 & 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.
9. Claims 19 – 24 are allowed.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1 – 13, 15, 17 & 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV

  
JES F. PASCUA  
PRIMARY EXAMINER